APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,737	09/15/2000	KIMBO MUNDY	BDE-001CN (431/6)	2466

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EXAMINER
COLBERT, ELLA

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/662,737	MUNDY ET AL.	
	Examiner	Art Unit	
	Ella Colbert	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 November 2003_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-46_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-46_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☒ Interview Summary (PTO-413) Paper No(s). _18_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1.   Claims 1-46 are pending. Claims 1, 12, 18, 32, 34, 35, 38, 40-42, 45, & 46 have been amended in this communication filed 11/07/03 entered as Amendment B, paper no. 17.

2.   The RCE filed 09/15/03 has been entered as paper no. 15.

3.   The Extension of Time filed 09/15/03 has been entered as paper no. 16.

Continued Examination Under 37 CFR 1.114

4.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/15/03 has been entered.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by (US

6,278,982 B1) Korhammer et al, hereafter Korhammer.

With respect to claim 1, Korhammer teaches, a method for aggregating

information from a plurality of enterprises offering items for exchange over a network, ...

comprising: automatically collecting and analyzing information about the items from

enterprise databases associated with each of the enterprises by use of a host computer,

the host computer being in communication with the enterprises over the network,

wherein information about a selected item is collected and analyzed from at least two

enterprise databases (col. 1 , lines 16-24, col. 3, line 66- col. 4, line 36, col. 6, lines 51-

66, and fig. 2 (101, 17-26- shows a host computer ...); storing the information collected

from the enterprise databases in a host database, the information being stored in the

host database by the host computer (col. 4, lines 46-64 and col. 5, lines 30-57); and

providing a host graphical user interface through which the shoppers can view, over the

network, the information stored in the host database (Col. 6, lines 22-27, col. 7, lines 21-

33, col. 8, lines 13-27, and fig. 2, step 100, 101, & fig. 3, 101). Korhammer did not

specifically state that the computer is a host computer and a host database is shown

also communicating over an electronics communication network (ECN) in col. 1, lines

38-48, fig. 1 and fig.2). However a host is well-known in the art as providing services to

others that are linked to it.

7.   Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Korhammer in view of (US 6,424,979 B1) Livingston et al, hereafter Livingston.

With respect to claim 2, Korhammer failed to teach, collecting information from

the enterprise databases includes crawling HTML page trees. Livingston teaches,

collecting information from the enterprise databases includes crawling HTML page trees

(col. 12, lines 18-23). It would have been obvious to one having ordinary skill in the art

at the time the invention was made to collect information from the enterprise databases

to include crawling HTML page trees and to modify in Korhammer because such a

modification would allow Korhammer to have the data represented as a hierarchical

tree, so the system can navigate (crawl) the tree to retrieve the components it needs to

build the page(s). HTML page trees are well known in the Internet art.

With respect to claim 3, Korhammer failed to teach, collecting information from

enterprise databases include crawling XML page trees. Livingston teaches, collecting

information from enterprise databases include crawling XML page trees (col. 9, lines 47-

51 and lines 63-54, col. 11, lines 43-52, col. 12, lines 1-23, fig. 4,step 79, fig. 8, steps

174, 176, & 180 and fig. 20). It would have been obvious to one having ordinary skill in

the art at the time the invention was made to collect information from enterprise

databases to include crawling XML page trees as taught by Livingston because this

would enable Korhammer to have XML data that is represented as a hierarchical tree,

so the system can navigate the tree to retrieve the components to build the page and a

generator compares the user's request to the attributes stored in the XML tags that

mark the tree's components and only returns the information. XML page trees are well known in the Internet art.

With respect to claim 4, Korhammer failed to teach, collecting the information is publicly accessible. Livingston teaches, collecting the information is publicly accessible (col. 5, lines 56-62 and col. 8, lines 28-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the collecting of the information publicly accessible and to modify in Korhammer because such a modification would allow Korhammer to have information displayed to the user with no unnecessary information being presented.

With respect to claim 5, Korhammer failed to teach, wherein collecting information from enterprise databases includes collecting information from auction sites offering items for purchase over the network the enterprise databases comprise auction databases associated with the auction sites. Livingston teaches, wherein collecting information from enterprise databases includes collecting information from auction sites offering items for purchase over the network the enterprise databases comprise auction databases associated with the auction sites (col. 2, lines 45-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the collecting of the information from enterprise databases to include collecting information from auction sites offering items for purchase over the network the enterprise databases comprise auction databases associated with the auction sites and to modify in Korhammer because such a modification would allow Korhammer to

facilitate the on-line presentation of information, intelligent searching, and customization.

With respect to claim 6, Korhammer failed to teach, wherein collecting information from the auction databases includes crawling HTML page trees. Livingston teaches, wherein collecting information from the auction databases includes crawling HTML page trees (col. 12, lines 18-23), see claim 2, *supra.*

With respect to claim 7, Korhammer failed to teach wherein the auction databases include XLM page trees (see claims 3 and 6), *supra.*

With respect to claim 8, this dependent claim is rejected for the similar rationale given for claim 4, *supra.*

With respect to claim 9, Korhammer teaches, periodically collecting the information about the items from the enterprise databases and updating the information stored in the host database (col. 5, lines 58-67, col. 6, lines 1-3 and lines 51-66, and col. 9, lines 26-49, see claim 1), *supra.*

With respect to claim 10, Korhammer teaches, wherein updating the information stored in the host computer comprises updating the information stored in the host database with sufficient frequency to enable the shoppers to monitor and participate effectively in bidding activity at the auction sites (col. 6, lines 36-50). See claim 9, *supra.*

8.   Claims 11-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korhammer in view of (US 5,835,896) Fisher.

With respect to claim 11, Korhammer failed to teach dynamically scheduling the collecting of information from the auction databases based upon content of previously collected information.

Fisher teaches, dynamically scheduling the collecting of information from the auction databases based upon content of previously collected information (col. 7, lines 50-65 and col. 8, lines 42-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to dynamically schedule the collecting of information from the auction databases based upon content of previously collected information and to include in Korhammer because by including this feature in Korhammer's securities trading system, in order to allow the auction manager to schedule information to the auction database as merchandise items are scheduled for posting and opened for bidding.

With respect to claim 12, Korhammer failed to teach, enabling the host computer to receive an auction watch request from the shoppers and monitoring with the host a bidding activity at a specified auction site with regard to a specified item in response to the received auction watch request and displaying the bidding activity to the shopper by way of the host graphical user interface.

Fisher teaches, enabling the host computer to receive an auction watch request from the shoppers and monitoring with the host computer a bidding activity at a specified auction site with regard to a specified item in response to the received auction watch request and displaying the bidding activity to the shopper by way of the host graphical user interface (col. 6, lines 39-67). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to enable the host computer

to receive an auction watch request from the shoppers and monitoring with the host

computer a bidding activity at a specified auction site with regard to a specified item in

response to the received auction watch request and displaying the bidding activity to the

shopper by way of the host graphical user interface and to include in Korhammer's

securities trading although the word graphical user interface does not appear to be

employed, the recited "order book is displayed on the customer's terminal (col. 7, lines

6-20) must have had a GUI in order to function at the time of the invention, hence the

inherence of GUI which is well known in the art.

With respect to claim 13, is rejected for the similar rationale given for claim 11,

supra.

With respect to claim 14, Korhammer failed to teach, enabling the host graphical

user interface to accept from the shopper an update request and updating at least a

portion of the information stored in the host database substantially in real-time in

response to the update requests.

Fisher teaches, enabling the host graphical user interface to accept from the

shopper an update request and updating at least a portion of the information stored in

the host database substantially in real-time in response to the update requests (col. 4,

lines 32-45, col. 6, lines 31-45, col. 7, lines 66-67, col. 8, lines 1-4). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

enable the host graphical user interface to accept from the shopper an update request

and updating at least a portion of the information stored in the host database

substantially in real-time in response to the update requests and to include in

Korhammer's securities trading system, in order to allow the electronic bid information

to be placed in the database and to have the auction manager frequently query the

database to see if any new bids have been placed then to have the catalog page

generator to regenerate a catalog in an electronic auction system. The bid information

is sent to the bidder via electronic mail.

With respect to claim 15, is rejected for the similar rationale as given for claim 9,

supra.

With respect to claim 16, Korhammer failed to teach, enabling the host graphical

user interface to accept from the shopper an update request and updating at least a

portion of the information stored in the host database substantially in real-time in

response to the update requests.

Fisher teaches, enabling the host graphical user interface to accept from the

shopper an update request and updating at least a portion of the information stored in

the host database substantially in real-time in response to the update requests (col. 7,

lines 15-23 and lines 32-41). It would have been obvious to one having ordinary skill in

the art at the time the invention was made to enable the host graphical user interface to

accept from the shopper an update request and updating at least a portion of the

information stored in the host database substantially in real-time in response to the

update requests and to include in Korhammer's securities trading system, in order to

allow the electronic auction system to record the records to show the bids and updates

of the lot's merchandise catalog page to show the current high bids or bids and to whom such bids are attributable.

With respect to claim 17, Korhammer failed to teach, enabling the host graphical user interface to accept from the shopper an item watch request specifying a particular item for monitoring and monitoring the auction sites to detect if the specified item becomes available for bidding at the auction sites in response to the item watch request from the shopper.

Fisher teaches, enabling the host graphical user interface to accept from the shopper an item watch request specifying a particular item for monitoring and monitoring the auction sites to detect if the specified item becomes available for bidding at the auction sites in response to the item watch request from the shopper (col. 7, lines 24-65 and col. 9, lines 36-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable a graphical user interface to accept from the shopper an item watch request specifying a particular item for monitoring and monitoring the auction sites to detect if the specified item becomes available for bidding at the auction sites in response to the item watch request from the shopper and to include in Korhammer's securities trading system, in order to allow potential customers to watch the merchandise catalog pages and to place bids in an electronic auction system.

With respect to claim 18, Korhammer failed to teach, providing the shopper with notification in response to detecting the specified item becoming available for bidding

and wherein the host computer provides the notification by way of a host initiated

mechanism different from a host graphical user interface.

Fisher teaches, providing the shopper with notification in response to detecting

the specified item becoming available for bidding and wherein the host computer

provides the notification by way of a host initiated mechanism different from a host

graphical user interface (col. 6, lines 46-65 and col. 11, lines 4-20). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

provide the shopper with notification in response to detecting the specified item

becoming available for bidding and wherein the host computer provides the notification

by way of a host initiated mechanism different from a host graphical user interface and

to include in Korhammer's securities trading system, in order to allow potential

customers to watch the merchandise catalog pages and to place bids in an electronic

auction system. The bid information is sent to the bidder via electronic mail.

With respect to claim 19, Korhammer failed to teach, enabling the host graphical

user interface to accept from the shopper a market watch request specifying a class of

items for monitoring and detecting the availability of items within the class of items at

the auction sites.

Fisher teaches, enabling the host graphical user interface to accept from the

shopper a market watch request specifying a class of items for monitoring and detecting

the availability of items within the class of items at the auction sites (col. 7, lines 8-28).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to enable the host graphical user interface to accept from the

shopper a market watch request specifying a class of items for monitoring and detecting

the availability of items within the class of items at the auction sites and to include in

Korhammer's aggregated bidding, in order to allow the selection of items to purchase

and to list items for sales and prices.

With respect to claim 20, Korhammer failed to teach, distinguishing between

newly detected ones of the items from previously detected ones of the items.

Fisher teaches, distinguishing between newly detected ones of the items from

previously detected ones of the items (col. 8, lines 42-53). It would have been obvious

to one having ordinary skill in the art at the time the invention was made to distinguish

between newly detected ones of the items from previously detected ones of the items

and to include in Korhammer's securities trading system, in order to allow the selection

of items to purchase and to list new items for sale and bidding.

With respect to claim 21, Korhammer failed to teach, providing the shopper with

notification regarding detection of the items within the class of items and wherein the

host computer provides the notification by way of a host initiated mechanism different

from a host graphical user interface.

Fisher teaches, providing the shopper with notification regarding detection of the items

within the class of items and wherein the host computer provides the notification by way

of a host initiated mechanism different from a host graphical user interface (col. 9, lines

36-47). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to provide the shopper with notification regarding detection of the

items within the class of items and wherein the host computer provides the notification

by way of a host initiated mechanism different from a host graphical user interface and to include in Korhammer's securities trading system, in order to allow potential customers to watch the merchandise catalog pages and to place bids on a class of items in an electronic auction system. The information is sent to the bidder via electronic mail.

With respect to claim 22, this claim is rejected for the similar rationale given for claim 18, *supra.*

With respect to claim 23, Korhammer failed to teach, wherein the host computer-initiated mechanism includes a communication mechanism chosen from electronic mail, Internet messaging, pager, facsimile, telephone, and Web telephone.

Fisher teaches, the host computer-initiated mechanism includes a communication mechanism chosen from electronic mail (col. 2, lines 11-16), Internet messaging, pager, facsimile (col. 1, line 52), telephone (col. 1, line 55), and Web telephone (col. 1, lines 60-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a host computer-initiated mechanism that includes a communication mechanism chosen from electronic mail, Internet messaging, pager, facsimile, telephone, and Web telephone and to include in Korhammer's securities trading system, in order to allow customers to submit bids and to know the winning bidder or bidders and the losing bidder or bidders.

With respect to claim 24, Korhammer failed to teach, the host computer-initiated mechanism includes providing a hyperlink to the host graphical user interface.

Fisher teaches, the host computer-initiated mechanism includes providing a hyperlink to the host graphical user interface (col. 4, lines 32-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the host computer-initiated mechanism include providing a hyperlink to the host graphical user interface and to include in Korhammer's securities trading system, in order to allow an underlined or otherwise emphasized word or phrase to display another document when clicked with the mouse and the graphical user interface works with the mousable interfaces with pull-down menus, dialog boxes, checkboxes, radio buttons, drop-down list boxes, scroll bars, and scroll boxes which are well known in the art.

With respect to claim 25, Korhammer failed to teach, enabling the host graphical user interface to accept from the shopper a host database query specifying a class of items and searching the host database for items within the class of items and displaying auction information with regard to the items within the class of items to the shopper by way of the host graphical user interface. Fisher teaches, enabling the host graphical user interface to accept from the shopper a host database query specifying a class of items and searching the host database for items within the class of items and displaying auction information with regard to the items within the class of items to the shopper by way of the host graphical user interface (col. 7, line 66-col. 8, line 14 and lines 30-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host graphical user interface to accept from the shopper a host database query specifying a class of items and searching the host database for items within the class of items and displaying auction information with regard to the items

within the class of items to the shopper by way of the host graphical user interface and to modify in Korhammer because such a modification would allow Korhammer to have the ability to access Internet sites and to specify particular items (stocks) and to display the auction information.

With respect to claim 26, Korhammer and Fisher failed to teach, enabling the host graphical user interface to accept from a shopper a host database query includes enabling accepting from a shopper an indication of specific keywords to restrict the class of items, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host graphical user interface to accept from a shopper a host database query includes enabling accepting from a shopper an indication of specific keywords to restrict the class of items and to modify in Korhammer because such a modification would allow Korhammer to have the ability to access Internet sites using specific keywords for items.

With respect to claim 27, this dependent claim is rejected for the similar rationale given above for claim 26.

With respect to claim 28, this dependent claim is rejected for the similar rationale given above for claims 26 and 27.

With respect to claim 29, Korhammer failed to teach, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of particular ones of the auction sites to restrict the class of items.

Fisher teaches, the host graphical user interface to accept from the shopper a host database query includes (col. 7, lines 31-41) enabling accepting from a shopper an indication of particular ones of the auction sites to restrict the class of items (col. 7, lines 24-41 and lines 50-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to enable the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of particular ones of the auction sites to restrict the class of items and to include in Korhammer's securities trading system, in order to allow a shopper when specifying a class of items to call up an index of available merchandise by pressing a button or returning to a central home page.

With respect to claim 30, Korhammer failed to teach, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of a particular type of auction site in which the shopper is interested to restrict the class of items.

Fisher teaches, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of a particular type of auction site in which the shopper is interested to restrict the class of items (col. 8, lines 42-46, fig. 3, and fig. 6). Also see claim 29, *supra*.

With respect to claim 31, Korhammer failed to teach, wherein the particular type of auction site includes person-to person auctions and business-to-person auctions.

Fisher teaches, the particular type of auction site includes person-to person auctions and business-to-person auctions (col. 4, lines 46-67 and col. 5, lines 1-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the particular type of auction site to include person-to person auctions and business-to-person auctions and to include in Korhammer's securities trading system, in order to allow the a business in an electronic auction system to award merchandise to a top bidder (person) or a person to award merchandise to another person with the highest bid such as the auctions on e-bay.

With respect to claim 32, Korhammer failed to teach, enabling the host graphical user interface to accept from the shopper a host database query includes enabling the host computer and the host graphical user interface to accept from a shopper an indication of a time frame in which the host computer detects that an item within the class is available at one of the auction sites.

Fisher teaches, enabling the host graphical user interface to accept from the shopper a host database query includes enabling the host computer and the host graphical user interface to accept from a shopper an indication of a time frame in which the host computer detects that an item within the class is available at one of the auction sites (col. 7, lines 1-23 and see claim 19), *supra.*

With respect to claim 33, Korhammer failed to teach, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of at least one of a specific price and a price range for the class of items.

Fisher teaches, enabling the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an

indication of at least one of a specific price and a price range for the class of items (col. 8, lines 30-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have enable the host graphical user interface to accept from the shopper a host database query includes enabling accepting from a shopper an indication of at least one of a specific price and a price range for the class of items and to include in Korhammer's securities trading system, in order to allow the a business in an electronic auction system to award merchandise to a top bidder (person) or a person to award merchandise to another person with the highest bid such as the auctions on e-bay.

With respect to claim 34, Korhammer teaches, interconnecting at least one host server site and ones of the plurality of auction sites by a network (col. 8, lines 47-66). Korhammer failed to teach, providing at least one host database in communication with the host server, searching the plurality of auction sites across the network under the control of a host computer and retrieving auction information from the auction sites, wherein the auction information includes information about a selected item from at least two auction sites, extracting data items from the auction information item information, the data items comprising information associated with items offered for purchase by the auctions sites, and storing the data items within the host database. Fisher teaches, providing at least one host database in communication with the host server (col. 4, lines 46-55), searching the plurality of auction sites across the network under the control of a host computer and retrieving auction information from the auction sites, wherein the auction information includes information about a selected item from at least two auction

sites (col. 4, lines 46-55, col. 6, lines 14-30, and col. 7, line 66-col. 8, line 14), extracting

data items from the auction information item information, the data items comprising

information associated with items offered for purchase by the auctions sites and storing

the data items within the host database (col. 8, lines 30-59). Together Korhammer and

Fisher teach the claim limitations of claim 34.

With respect to claim 35, Korhammer failed to teach, searching the ones of the

plurality of auction sites across the network under the control of the host computer

comprises searching ones of the plurality of auction sites continuously on a periodic

basis. Fisher teaches, searching the ones of the plurality of auction sites across the

network under the control of the host computer comprises searching ones of the

plurality of auction sites continuously on a periodic basis (col. 6, lines 17-26). It would

have been obvious to one having ordinary skill in the art at the time the invention was

made to search the ones of the plurality of auction sites across the network under the

control of the host computer comprises searching ones of the plurality of auction sites

continuously on a periodic basis and to include in Korhammer's securities trading

system, in order to allow the bidders (shoppers) to view the new item for auction and to

place their bids.

With respect to claim 36, Korhammer teaches, updating the host database with

the data items retrieved and extracted from the auction information (col. 3, lines 17-31

and col. 5, lines 30-46).

With respect to claim 37, Korhammer and Fisher did not teach, wherein storing

the data items within the host database comprises sorting an arranging the data items

according to a hierarchy of product and service categories established by the host

server, however storing data items in a host database with sorting and arranging the

data items in a hierarchy of product and service categories is old and well known in the

database art of hierarchical databases and classifying items.

With respect to claim 38, this independent claim is rejected for the similar

rationale given for claim 34.

With respect to claim 39, this dependent claim is rejected for the similar rationale

given above for claim 37.

With respect to claim 40, this dependent claim is rejected for the similar rationale

given above for claims 37 and 38..

With respect to claim 41, this claim is rejected for the similar rationale given for

claim 40, *supra*.

With respect to claim 42, this claim is rejected for the similar rationale given for

claim 38, *supra*.

With respect to claim 43, this claim is rejected for the similar rationale given for

claim 39, *supra*.

With respect to claim 44, this dependent claim is rejected for the similar rationale

given above for claim 39, *supra*.

With respect to claim 45, Korhammer teaches, providing the host computer to the

shopper a current aggregated listing of the items and the current bid information for the

items (col. 5, lines 58-67, col. 7, lines 57-67, and col. 8, lines 1-4).

Korhammer failed to teach, periodically gathering with the host current bid

information from the auction sites across the network for items in which a shopper has

expressed interest.

Fisher teaches, periodically gathering with the host computer current bid

information from the auction sites across the network for items in which a shopper has

expressed interest, wherein the current bid information includes information about a

selected item from at least two auction sites (col. 1, lines 19-22, col. 4, lines 32-66, and

col. 8, lines 42-67). It would have been obvious to one having ordinary skill in the art at

the time the invention was made to periodically gather with the host server current bid

information from the auction sites across the network for items in which a shopper has

expressed interest and to include in Korhammer's securities trading system because

this would allow Conklin's interested bidders (shopper) to appear at the appointed time

and place to bid on merchandise which the bidder (shopper) has expressed and interest

(see claims 36 and 39), *supra*.

With respect to claim 46, Korhammer failed to teach, enabling the host computer

to connect the shopper to auction sites where the shopper can place bids on the items

and provide an indication of whether the bids placed by the bidder on the items are

winning or losing.

Fisher teaches, enabling the host computer to connect the shopper to auction

sites where the shopper can place bids on the items and for providing an indication of

whether the bids placed by the bidder on the items are winning or losing (col. 7, lines 1-

23). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to enable the host computer to connect the shopper to auction sites where the shopper can place bids on the items and for providing an indication of whether the bids placed by the bidder on the items are winning or losing and to include in Korhammer's securities trading system because this would allow Conklin to send a notification to the winning bidder or bidders and the losing bidder or bidders and to post a list of the winning bidders on the closed lot's merchandise catalog page.

Response to Arguments

9.   The response to Applicants' arguments filed 09/15/03 is silent in view of the new ground(s) of rejection above.

Conclusion

10.   Harrington et al (US 6,161.099) disclosed conducting auctions over electronic networks.

Walker et al (US 6,418,415 B1) disclosed aggregating multiple buyers utilizing conditional purchase offers.

Inquiries

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

E. Colbert
January 24, 2004